1893-94.
(L.R.)

File No. 134 of 93
Serial No. 1 to 5

Sub. — Appeal of Ramachandraiah of Koratagere regarding the Shanbhogi of Mudlaphaine and ~~the~~ other villages in the Koratagere Sub-Taluk.

P. F. 122 of 93.

G. R. S. IX-5]

Previous references.

1893-94.
~~192~~
(L. R.

File No 134 of 93

Serial Nos 1 to 5

Later references.

L. R. 144 of 95

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 5

m ~~Part~~ B for May 1894

SUBJECT.

Appeal of Ramachandriah of Koratagere regarding the Chavadigi of Kondlahalli and other villages in the Koratagere sub-taluk.

(General Serial No. 32.)

1893.

No. 1440

Name of Petitioner. Ramachandra, Manthappa & Siddanakeri, plts.

Village. Koratagere

Sub Taluk. Do

District. Tumkur

Date of Arzi. 28-11-93

Date of Receipt. 28-11-93

Date of Disposal.

No. of Enclosures. One

ABSTRACT.

Appeals against the Tumku
deputy commissioner's decis
in the Rev. Appeal case No. 24
of 1893-94, on the following grou
1) The Lower Court failed t
take evidence that the
appellants & their ancestors
were holding to the Thanthag
office of Hoodlipanni & other
villages. although it is esta
by the exhibits namely A & B

(2).

(General Serial No. 30.)

1894.

OFFICE OF THE
11064
18 JAN. 94
Pet 397

From The Deputy Commissioner
Tumkur District

(4)

To

The Chief Secretary to the ~~Dewan~~ Govt.
of Mysore.

Dated 16th January/1894

Despatched 17" —~~Do~~"—

Received

Enclosures No. 4 & 2 files

General No. 552

No.

This official Memorandum No. 968 dated the 3rd January/1894.

—"—

Submits the Proceedings connected with Revenue Appeal Cases Nos. 2 & 3 of 1893-94 on the file of this Court with the Appeal petitions & its enclosures—

Appeal from a decree in a regular suit

Post for hearing
Issue notice to both parties.

10/3

Posted to 10-5-94.

E.R 134-9376

R. B. 15/1/94

Rec'd 19/1/94

(2) ~~Held~~ it was already decided that the father of the 2nd, 3rd, 4th & 5th Respondents had no right for the office in their suit against Yedidiah, the Respondents have no right to prefer the suit again.

(3) In 1883, when Yedidiah died, the office was re-instated in the name of the 1st ~~respt~~ & 2nd Respondents, without giving intimation to the Appellant who came to know this in 1887 from which date he has been fighting for its recovery & so his suit is not barred by limitation.

Says that the Deputy Commissioner's order may be cancelled & his suit to the said office may be established.

2/52.

Pet
968

11-1-94

3

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM. (3)

The accompanying Petition No. 1440

dated 28-11-93 received at the

Dewan's Office from Shivalinga Ramachandrah, s/o Hanumappa Gur-Talak, representing that

the Deputy Commissioner has acted in the Revenue Official Lodging Case of 1893-94

is forwarded, together with ~~its~~ ~~Papers~~ the

enclosures, to the Deputy Commissioner, Tumkur District, for ~~his~~ submission of the Proceedings.

The petition & enclosures should be returned.

L. A. 134-96-2

By Order,

Draft
BANGALORE,
30th Jan 1894.

for Chief Secretary.

1/1/54

3/1

M. G. C. P. Bangalore.—21-11-92—3,000.

No 552

Secrets Papers

5

Cuddalore District

Deputy Commissioner's Office

Dated Cuddalore 6th January 1801

(4)

To

The Chief Secretary to the

Government of Fort St George

Sir,

As required in your official Memo No 566 of the 3rd instant I have the honor to submit herewith the Proceedings connected with Revenue Appeal Cases Nos 2 and 3 of 1800 on the file of this Court.

2. The petition with its Enclosures received with the above Memo is returned herewith.

I have the honor to be

Sir

Your most obedient Servant

A Valentine Munro

Deputy Commissioner

Cuddalore District

1/a

In the Court of the Treasurer
Asst Commissioner Tumkur Div.

Dated 3rd August 1893.

Present. A. Raghavendra Rao

Revenue Suit No of 1892-93

Plaintiff	Defendants.
1 Ramachandraiah	1. Venkataramaiah
2. Gundappa	2. Seemappa
3. Nanjappa	3. Venkatagirappa
	4. Hanumappa minor, represented by his guardian 3rd Defendant
	5- Krishnappa
	6. Gowramma
(2nd & 3rd Plaintiffs absent)	(1st 3rd & 5th Defendants present represented by Pleader Sri Venkatachar.

Plaintiffs are the sons of three brothers viz 1st Plaintiff is the son of the 2nd brother Ramappa, 2nd Plff is the son of the 3rd brother Lakshmi = narappa while the 3rd Plaintiff is the son of the 1st or the eldest brother Krishnappa. They have been

been divided for the past 12 years.
1st & 2nd Plaintiffs only brought
this suit whereas the 3rd Plaintiff
was, at his request, admitted as
such by the Kottagere Registry
Amildar under Section 27 of the
Civil Procedure Code.

The Suit is for the recovery
of the Shanbogue office of the
Villages of 1 Muddapanne,
2 Hanumanthapura, 3 Jodi —
Jampena halli, 4 Kamarajana halli
5 Chikke Jondra halli and 6 Hosa-
halli, the registry of the 1st three of
which is in the name of the 1st Deft
and that of the remaining three
is in the name of the 2nd Defendant
Seenappa.

1st Plaintiff is in possession
since the last two years, of the
Shanbogue of the Villages registered
in the name of the 1st Defendant,
has been performing the duties
thereof and receiving half of the
Potage allowance attached thereto
while

while the other half is being paid by Government to the 6th Defendant for her maintenance, the total amount being 40 and odd Rupees. the Inam lands attached thereto which were recently finally assessed are in the possession and enjoyment of the Plaintiffs.

The Shanbogue of the 4 or 5 or 6 villages is registered in the name of the 2nd defendant Seenappa who is performing the duties receiving half the Potage allowance appertaining thereto viz 12 Rs and odd as the other half is paid to the 6th Defendant by Govt for her maintenance.

1st Difendant in the written statement submitted by him before the Dy Amildar has resigned the three villages, registered in his name, in favour of the 1st Plaintiff and requested the transfer of the registry also in his name.

The

The grounds on which the 1st Plff claims the Shanbogue of the 6 villages are the following.

1st That the registered Pattadars of the 6 villages under dispute were his grandfather Ramachandraiah vide Shanbogue Register of 1840. & it is therein entered that Ramachandraiah and Krishnaiah are half hissedars and one Silesh enjoys the other half share by Government Sale.

The entry in the Register prepared in 1866 is that Silesh and his son Kodandaramaiah &c have ½ share in the villages of Muddiapanne and other villages forming the subject of this dispute; that Kasaba Konalagere should go to the share of Ranjundiah (1st Plaintiffs father's elder brother) and the villages viz Muddiapanne, Hosahalli, Hanumanthapura, Kamarajana-halli, Chikkayyanadna Palli, Kathe-nalkamapalliya and godijampena-halli

half should go to the share of Kodandaramiah the son of Sibiah shown as half Hissedar in the Register of 1840 - What relationship there was between Ramachandraiah, Krishnaiah and Sibiah does not appear from the record. Sibiah a stranger appears to have been brought in to enjoy the hereditary office by some order issued by Govt authorities in or prior to 1840 the particulars of which are not forthcoming. Plaintiff even now denies all relationship between him and the Defendants.

It is now too late to discuss the propriety or otherwise of the admission to the enjoyment of half Huck of Sibiah in or before 1840. He and his descendants continued to enjoy half Huck till 1864 and they and the members of the Plaintiffs family continued to perform the duties in turn until the rotation System was

abolished

abolished in 1864.

Defendants contention is that 1st Defendant is the son of the Elder brother of Silvah mentioned in the Regd ~~Register~~ 2? 3? & 4th Defendants are the sons of Silvah's younger brother Venkatappa, 5th Defendant is the son of another younger brother Ramiah. 1st 2? 3? 4? & 5th are the cousins or uncle's sons of Nirlandi-Ramiah, the son of Silvah. Nirlandaramiah had a son named Venkatiah who died issueless. 1st to 5th Defendants are therefore the future heirs of ~~Nirlandi~~ Nirlandaramiah.

Plaintiff admits that Linnappa father of the 1st Defendant was the elder brother of Silvah - then both being children of one mother; that Ramiah and Venkatappa fathers of 2? 3? & 4th 5th Defendants were Silvah's younger brothers by his step mother.

The 1st and 6th Defendants Statement before the Dy. Collector in favor of the Plaintiff that he and his ancestors alone are

the

and the remaining three viz 1 Kama-
Rajanahalli, 2 Chikkay gowdnahalli
and 3 Hosahalli in the names of the
other Defendants.

The 1st Plaintiffs endeavour fo
many years to recover from the
Defendants family the Shanbogui
of all the 6 Villages in their possess
having utterly faild he has appar
ently gained over the 1st and 6th Deft.
the former said to be a Sickly man
incapable of any work, and the latte
a widow entitled only to a mainten
and induced them to resign in his
favour all their interest in the
hereditary Office. Having thus pave
his way to Success in his attempt he
now tries for the restoration of al
the Villages to his family from
that of the Defendants.

The right of all the Defendants
to the exclusive enjoyment of the
Office in question Cannot at this
distance of time be questioned, as
it is established by long possession

and

and enjoyment and strongly supported by Government Record.

1st and 6th Defendants are the descendants of one Venkatagiriah by his 1st wife the former being his 1st Son's son and the latter a widowed daughter-in-law of his 2d Son Sibiah, whose name appears as half Hissedar in the Register of 1840; whereas the 2d 3d 4th & 5th Defendants are the offspring of his Sons by 2d wife.

Since the Registry of three Villages in the name of the 1st Defendant, the 1st Plaintiff appears to have been performing the duties thereof for him. The other Defendants could have raised objection to it if they had any when the order of 1887 was issued. As the recognized Registerdar of the said three Villages it is I think left to the option of the 1st Defendant to resign them in favor of any one he likes. I therefore decree that the Villages so resigned viz Irudlapanne, Hanumanthapura and Jodi Jampenahalli be registered in the name of the 1st Plaintiff. 6th Defendant will as heretofore receive maintenance from both parties.

Each party will bear his own Cost

"Signed" A Raghavendra Row
Dy asst Comr

"Copy" A Raghavendra Rau
Treasury asst Comr

the sole Archakar of all the villages is inadmissible, inasmuch as it is estopped by the ancestor Sibiah and his successors having been rightly or wrongly recognized as hereditary Archakar and thereby having as such held the office. The Plaintiff's suit is barred by law of limitation as Sibiah's appointment took place about 50 years ago.

That if 1st Defendant resigns his Shanbogue of 3 villages it should come to 2nd 3rd & 4th Defendants as direct heirs of Sibiah but not to the Plaintiff. The 1st Defendant stands in the same position as if he were dead without issue in which case the office would according to law come to them.

The Plaintiff's statement that the cause of action arose from the date of Mr. Krishna Murti's order of 30 to register 3 villages in the 1st defendant's name and the other 3 in the remaining defts. name is inadmissible as the enjoyment

of

of the Shanbogue office came to the ancestor Sibiah so long ago as 1830 vide Firoop of His Highness the late Maharaja Krishnaraja Wadiyar.

Decision

After a careful consideration of the facts of this case it appears to me that the ancestors of the Plaintiffs and Defts tho' not related to each other in any way enjoyed the Shanbogue of Kortagere and other 6 villages forming the subject of suit in half shares and were performing the duties by turns till the year 1834, when Kortagere alone went to the exclusive enjoyment of the 1st Plaintiffs father's elder brother, while the remaining villages went to the exclusive possession of one Kodandaramiah the son of Sibiah shewn as half Hissedar in the Register of 1840.

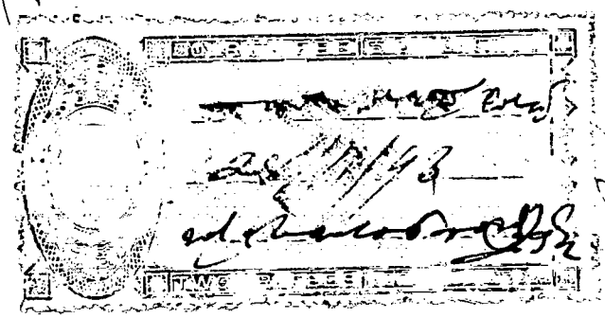
no 213
of 20-7-8

Agreeably to an order issued in 1854 by the then Commissioner of the Tumkur District three of the 6 villages now claimed were registered in the name of the 1st defendant

and

1. Mundlapalle
2. Hanumanthapura
3. Jodi Jampheni
Nadu

16



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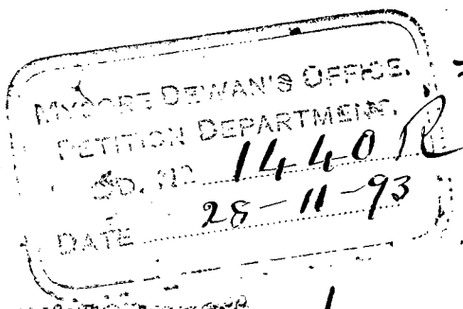

A.S. No 83
93-94.

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[illegible]
7-2-96
[illegible]

19

[illegible]
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(4)

[illegible]

[illegible]

[illegible] 1/1895-96

[illegible] 16-1-96.

[illegible]

[illegible]

1 [illegible]
[illegible]
[illegible]
2 [illegible]
3 [illegible]
4 [illegible]
5 [illegible]

[illegible]
1 [illegible]
2 [illegible]

[illegible]

1 [illegible]

2 [illegible]

[illegible]

A [illegible] 7-9-94
[illegible]

B. [illegible]

1. [illegible] [illegible] [illegible]

17 12

Pleader for Appellant 28-11-93

Order
1440.

7 DEC. 93

Government Order No.

I am directed to say that the Government have been pleased to sanction the grant of Rs. 1,000/- (Rupees one thousand only) to the Kerala Sahitya Akademi, Trichur, for the publication of the book "Kerala Charithram" by Sri. K.P. Padmanabha Menon.

The expenditure will be debited to the head of account "2070-Other Administrative Services-60-Other Expenditure-(c) Grants-in-aid-(i) Non-Plan" and met from the grant sanctioned in the Budget Estimates for 1993-94.

By order,

for Chief Secretary.

To

The Kerala Sahitya Akademi,
Trichur.

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7 In the Barabaluti Register of 1864-65
it is mentioned that the village in
question were divided - half of the
share to Kodundaramiah and his
father Seebia and some others and
the remaining half to Ramachendria.
Kodundaramia was in possession of
his share till 1876 when he died and
his son Anathia ~~died~~ succeeded him Ayyanthand died
in 1883 leaving ~~two~~ sons
viz. The 1st Plaintiff Subbia
~~Venkatappa~~ and the 1st Defendant
Venkataramia were the contending
parties and in Sept 20, 1887 the
letter viz Venkataramia was appointed.

five years after (sic) in 1892-93 the
Vth deft Ramachendra contended
that he should be appointed: A
suit was filed by him in the Deputy
Asst Commrs Court and not satisfied
with it decision appealed to the Deputy
Commrs. who modifying the order of
the lower Court directed that the villages
viz Moorla Pandi, Kammanatapur, and
Vadi jumpanahally be allowed to stand
in the name of the 1st deft Venkataramiah
for his death, and that the duty might
be performed either by himself or by his
proxy. Ramachendra appealed against
this order, and the Court decided that the
contention is not sound. Kanbongas
right is altogether inalienable
and the prohibition of alienation is
not merely on the interest of the individual
members of the family. In the absence of
the undivided members divided
members are also entitled to
inherit the property, and the Deputy
Commissioner was perfectly justified
in not recognizing the transfer and
the appeal was dismissed. Consistently
with his decision the Deputy Commissioner
of

of Kovalapur issued to Venkataramiah
a notice requiring him to do the duty —
himself or appoint a substitute. On
reply, Venkataramiah presented an
arjee praying that three villages might
be registered — in the name of his cousin
Krishnappa the 1st Plaintiff and that
he might be permitted to do his duty.
The Deputy Amildar forwarded the same
to the Deputy Commissioner for necessary
orders, and the latter directed that the
order of Government should be fully
given effect to and that the arjeedar
Venkataramiah should appoint a —
Gumasta. The 1st Defendant Venkataramia-
again presented an arjee on 10th March
1895 praying that Ramachandriah who
he was perfectly confident would support —
him till his death and who helped him
in many ways might be appointed in
his substitute and the Deputy Amildar
gave Ramachandriah an order —
directing him to do the duty as Venka-
taramia's Gumasta. —

In these circumstances I fail to
see how for the claims of Krishnappa
1st

3/

1st Plaintiff and 2nd the others could be recognised now. The order of Court is quite clear and Kankatarama has no power to transfer the land as he likes in any body's favor. The suit is therefore dismissed with costs. —

/Signed/ N. Seeniwasachari

Extract from
Tumkur District

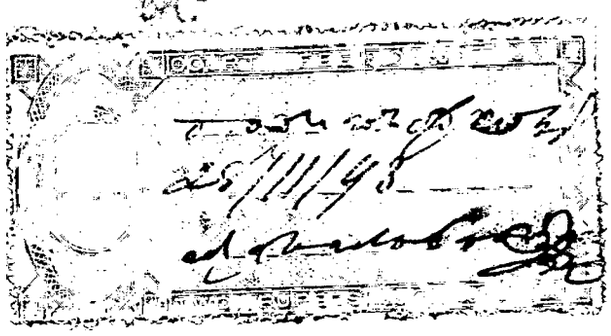
/Copy/

By order
Superintendent
Munsiff

Copy application 7—2—96
Do ready — on 8—2—96
Do delivered on 15—2—96

Roof words 4/2
Copying fee — 7—6
Comparing fee 4—1—8
Examined & Co
Copying — 4—4—4
Comparing — 4—4—8
4—13—10

Copy



IN THE COURT OF THE Dewan of His Highness the Maha Rajah OF Mysore

CASE No OF 1893

Ramachandria Appellant

vs

Venkataramanaiah & others Respondents

1 I the Appellant above named do, by these presents retain Mr C. Narasimha Char 1st Grd Pleader to appear for and conduct the above case, on my behalf to Judgment

2 I further empower him to execute any decree or order that may be passed in my behalf.

3 I also undertake to confirm and ratify all the legal acts done by the said Pleader in so doing.

Dated 28—11—1893

Accepted C. Narasimha Char 1st Grd Pleader

Signed before me

C. NARASIMHA CHAR 1st GRADE PLEADER

Lutchmi Narasimha Press Mysore.

Senior and the Podega is 37 odd Rupees and
Seenappa is registered as the Shanbogue
of Kathumagama hobli Podiga for this
is 18 Rupees. The Amildar will in consulta-
ation with them arrange for the perfo-
rmance of the duties If there was an
heir in the line of Seshayya he would
have excluded all the others Widow
Government is a representative of
such prepreintial heir though as
against males She cannot be cho-
sen for the Shanbogeships. She is under
the fines instituted to a larger Main-
tenance tobe given one of the Podega
and I direct that half the Podega
allowance may be given her by way
of Maintenance. It is only If these
men agree to give the Maintenance
that they will be registered

Sig nd. P. R. Krishna Murthi
Dy Commissioner

Trans'd
20-9-87.

True Copy

No. of words. 360

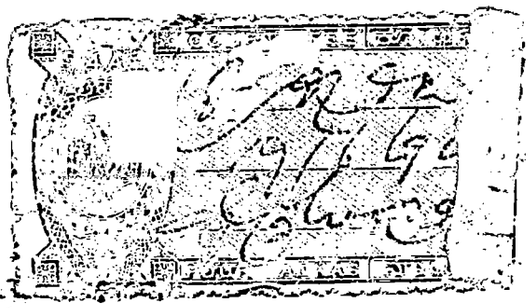
	Rs	as	P.
Fee for Copying @ ½ ..		6	0
Fee for Comparing @ 4p. ..		1	4
Total	..	7	4

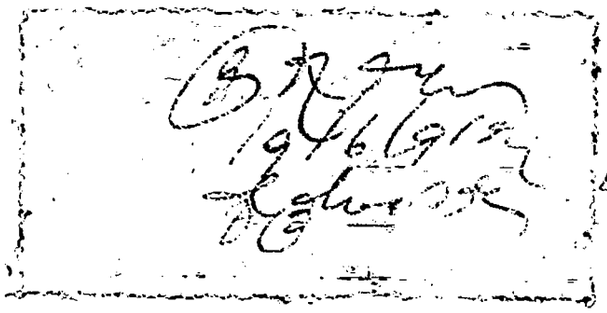
As 7-

20-6-91

25-6-91.

30-6-91





In this case the Lucas are not clearly stated and admitted. The genealogy is as noted (4) below.

No. III

Genealogical Table

1st wife Thomas

2nd wife

Subdish Simmedes Sarampa Sampatagu Subdish

Kasi

Tentudelamal Tentatemish

Kiomempa

Kramtiah

Tentempa

Sencipa Tentatagu Karampa

Whatever may have been the disposition of the parties regarding their property when Subdish and his heirs were alive those arrangements will not now affect them. As Subdish and his legal representatives both died intestate his legal representatives have interest in such lands and their claims for precedence are specified

by the Revenue in his order No. 659-67-11
dated 8th July 1883 She is entitled to
Maintenance and when the existing
Shaukage is within the range for which
Maintenance her interest does not conte
to have consideration in this instance
She being representative of the family
in this order of the seniority of the collater
branches are Pentala Ramiah, Ramiah, Seen
Pentalagenappa & Narayya as there
are only two Sisters & therefore
Pentala Ramiah and Ramiah excluded
the other Janiors first Ramiah is alr
ready the Shaukar of Somasundaram
Seenappa therefore comes within the
range of selection and the two heirs
to be now selected are Pentala Ramia
son of Thimmappa & Seenappa son
of Pentalappa son of Pentala Seenap
This Seenappa is said to be first Pris
man employed as Gumasta for
Ramiah Pentala Ramiah is therefore
registered as the Shaukar of Mesrs
Penmaya Phirka. as he is senior

of three villages to the appellant was illegal, modified the Decree of the Lower Court by cancelling that portion of it which allowed the transfer. The present appeal is against this Decree

2. Appellant and Respondent belong to two different families and there is abundant documentary evidence to show that the right claimed by the appellant has been in the undisputed enjoyment of the family of Respondents for upwards of 50 years and no cause has been shewn at the hearing why the claim should not be considered as barred by the Law of Limitation. The only point

on which much stress was
laid at the hearing, by the
Appellants' Pleader was that
the 2nd and 5th Respondents,
being divided members of
the family of the 1st Respondent,
had no right to object to the
transfer made by him (1st Respondent).
Government consider that this
contention is not sound. Shambhaji
right is altogether inalienable,
and the prohibition of alienation
is not merely in the interests
of the undivided members
of the family. In the absence
of undivided members,
divided members are also
entitled to inherit the property,

and

2 Dept. A.P. file

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 83 of 1893-94.

5

Appellant. Vs. Respondents.

Ramaiamaria
& Narayan, represented
by Sri. C. Ramaniaiar
1st Trade Dealer

1 Venkatramiah
2 Srinivasa
3 Venkatagirigapa
4 Channappa
5 Krishnappa
6 Gowramma

L.R. 134-93-4

Decision. 5th May, 1894.

1 Madeyanna
2 Ramanjinna
3 Ranchenhalli
4 Ramanjinnahalli
5 Chikkegowdanahalli
6 Hosahalli

Appellant brought a suit
for the recovery of Inamdaji
right in the villages noted
in the margin, which is now
registered in the name of the
1st Respondent, and 3 in the name
of the 2nd Respondent. That
the first five Respondents are
parties, and the 6th a pardanashin
widow. The Appellant —
Commissioner in the Court
the case while pending died —
the Claim was passed

FNO 122

Prueba abstract

22/2/1

28-5-94

No. 1440
A. 839/93-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

24th/28 May 1894

6

Endorsement granted to Ramachandria of Kottapere, represented by Mr. C. Narasimhachar 1st grade Pleader.

in reply to his Petition Registered No. 1440/A 839 dated 28th Nov '93, appealing against the order of the Deputy Commissioner regarding the Shanbhoge of Hanumanthapura & two villages

Petitioner is informed that his appeal has been dismissed.

The enclosures ~~are~~ is returned

1915/94

C. C. 134-95

"By Order"

Asst. Secy.

Chief Secretary.

M. G. C. P., Bangalore—6-3-94.—2000.

by the Law of Limitation passed
& the Appellant the three
Villages claiming in the name
of the 1st Respondent on the
ground that he (1st Respondent)
gave the Land for sale
in Lawful. But the Appellant,
would like 2nd & 3rd Respondent
Appealed against the decree
& the Deputy Commissioner,
the former pleading all the
6 villages, and the latter
objecting to the Lawfulness of
the three villages of the Appellant.
The Deputy Commissioner
agreeing with the Lower
Court that the Plaint was
barred by the Law of
Limitation, dismissed the
Appeal and Confirmed,
considering that the Lawfulness
of

1 Chidambaram
2 Kamalambal
3 Jodi Janakiammal

and the Deputy Commissioner
in Kheri is directed to act
accordingly. The transfer for
three years, the Deputy
Commissioner there will
be confirmed and the appeal
dismissed.

Ml
19/5/94

By order
Chief Secretary.

J.W.P.

Copy

Re 20201 & 21.5.94
P.C. 22-93 28

Copy forwarded to the
Deputy Commissioner, Lakhimpur
District, with the remarks
recorded, and, enclosed with his
letter no. 552 dated January 1894
will follow

By order
Chief Secretary

Copy.

Ml
16/5 JWP